

USDC SDNY DOCUMENT ELECTRONICALLY FILED DOC #: _____ DATE FILED: 9/16/2020
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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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MERLIN MORENO-GRATINI,

Plaintiff,

-against-

THOMAS STICHT, *Superintendent Wyoming
Correctional Facility*

Defendant.
-----X

1: 19-cv-5964-GHW

ORDER

GREGORY H. WOODS, United States District Judge:

The Court has reviewed Petitioner's September 16, 2020 submissions at Dkt. Nos. 20 and 21. This matter has been referred to Magistrate Judge Netburn for a report and recommendation on Petitioner's habeas petition. *See* Dkt. No. 6. The parties are reminded that they may consent to conducting all further proceedings before Judge Netburn, as stated in the Court's July 22, 2020 order. *See* Dkt. No. 11 (directing the parties to confer regarding their willingness to proceed before the assigned Magistrate Judge). The Court did not receive any submissions in response to that order.

Therefore, to conserve resources, to promote judicial efficiency, and in an effort to achieve a faster disposition of this matter, it is hereby ORDERED that the parties must discuss whether they are willing to consent, under 28 U.S.C. § 636(c), to conducting all further proceedings before the assigned Magistrate Judge.

If both parties consent to proceed before the Magistrate Judge, counsel for the defendant must, **within one month of the date of this order** file on ECF a fully executed Notice, Consent, and Reference of a Civil Action to a Magistrate Judge form, a copy of which is attached to this order (and also available at <https://nysd.uscourts.gov/sites/default/files/2018-06/AO-3.pdf>). The

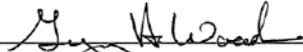
executed form should be filed on ECF as a “Proposed Order,” and be described using the “Consent Order” filing event in accordance with ECF Rule 13.18. If the Court approves that form, all further proceedings will then be conducted before the assigned Magistrate Judge rather than before me. Any appeal would be taken directly to the United States Court of Appeals for the Second Circuit, as it would be if the consent form were not signed and so ordered.

If either party does not consent to conducting all further proceedings before the assigned Magistrate Judge, the parties must file a joint letter, **within one month of the date of this order** advising the Court that the parties do not consent, **but without disclosing the identity of the party or parties who do not consent.** The parties are free to withhold consent without negative consequences.

The Clerk of Court is directed to mail a copy of this Order to Petitioner and file proof of service on the docket.

SO ORDERED.

Date: September 16, 2020
New York, NY



GREGORY H. WOODS
United States District Judge

UNITED STATES DISTRICT COURT

for the

Southern District of New York

_____)	
<i>Plaintiff</i>)	
v.)	Civil Action No.
_____)	
<i>Defendant</i>)	

NOTICE, CONSENT, AND REFERENCE OF A CIVIL ACTION TO A MAGISTRATE JUDGE

Notice of a magistrate judge's availability. A United States magistrate judge of this court is available to conduct all proceedings in this civil action (including a jury or nonjury trial) and to order the entry of a final judgment. The judgment may then be appealed directly to the United States court of appeals like any other judgment of this court. A magistrate judge may exercise this authority only if all parties voluntarily consent.

You may consent to have your case referred to a magistrate judge, or you may withhold your consent without adverse substantive consequences. The name of any party withholding consent will not be revealed to any judge who may otherwise be involved with your case.

Consent to a magistrate judge's authority. The following parties consent to have a United States magistrate judge conduct all proceedings in this case including trial, the entry of final judgment, and all post-trial proceedings.

<i>Parties' printed names</i>	<i>Signatures of parties or attorneys</i>	<i>Dates</i>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Reference Order

IT IS ORDERED: This case is referred to a United States magistrate judge to conduct all proceedings and order the entry of a final judgment in accordance with 28 U.S.C. § 636(c) and Fed. R. Civ. P. 73.

Date: _____

*District Judge's signature*_____
Printed name and title

Note: Return this form to the clerk of court only if you are consenting to the exercise of jurisdiction by a United States magistrate judge. Do not return this form to a judge.

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